



15750  
U.S. PTO

**PATENT APPLICATION TRANSMITTAL LETTER** Docket Number: EMS-07401

To the Commissioner of Patents and Trademarks:

Transmitted herewith for filing under 35 U.S.C. 111 and 37 CFR 1.53 is the patent application of

Fernando OLIVEIRA, et al.

entitled CONTINUOUS DATA BACKUP

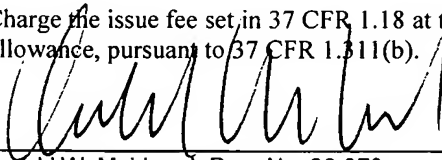
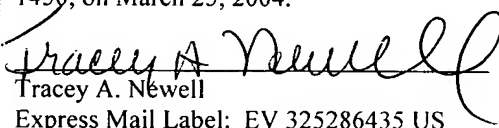
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032504

Enclosed are:

- ☒ 27 pages of written description, claims and abstract.
- ☒ 9 sheets of drawings.
- ☒ Executed Declaration of the Inventors.
- ☒ Executed Assignment to EMC Corporation and check for \$40.00.
- ☒ Non Publication Request Under 35 U.S.C. 122(b)(2)(B)(i).
- ☒ Information Disclosure Statement (in duplicate).
- ☒ Form 1449.
- ☒ Copies of cited references.

**CLAIMS AS FILED**

		NUMBER FILED	NUMBER EXTRA	RATE	FEE
BASIC FEE (37 CFR 1.16(a))				\$770	\$770.00
TOTAL CLAIMS (37 CFR 1.16(c))		35-20=	15	x \$ 18	\$270.00
INDEPENDENT CLAIMS (37 CFR 1.16(b))		6-3=	3	x \$ 86	\$258.00
MULTIPLE DEPENDENT CLAIM PRESENT		(37 CFR 1.16(d))			
NUMBER EXTRA MUST BE ZERO OR LARGER			TOTAL		\$1298.00
	If applicant has small entity status under 37 CFR 1.9 and 1.27 then divide total fee by 2, and enter amount here.			SMALL ENTITY	\$0

<p><input checked="" type="checkbox"/> A check in the amount of <u>\$1298.00</u> to cover the filing fee is enclosed.</p> <p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge and credit Deposit Account No. <u>031721</u> as described below. I have enclosed a duplicate copy of this sheet.</p> <p><input type="checkbox"/> Charge the amount of \$ _____ as filing fee.</p> <p><input checked="" type="checkbox"/> Credit any overpayment.</p> <p><input checked="" type="checkbox"/> Charge any additional filing fees required under 37 CFR 1.16 and 1.17.</p> <p><input type="checkbox"/> Charge the issue fee set in 37 CFR 1.18 at the mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).</p> <p> Donald W. Muirhead, Reg. No. 33,978 Customer No.: 26339 <u>March 25, 2004</u> Date</p>	<p style="text-align: center;"><u>Certificate of Express Mail</u></p> <p>I, do hereby certify that the foregoing documents are being deposited with the United States Postal Service as Express Mail, postage prepaid, "Post Office to Addressee", in an envelope addressed to Mail Stop Patent Application, Commissioner for Patents, , P.O. Box 1450, Alexandria, VA 22313-1450, on March 25, 2004.</p> <p> Tracey A. Newell Express Mail Label: <u>EV 325286435 US</u></p>
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**NONPUBLICATION REQUEST  
UNDER  
35 U.S.C.122(b)(2)(B)(i)**

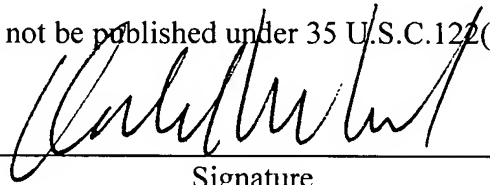
First Named Inventor: **Fernando OLIVEIRA, et al.**  
Title: **CONTINUOUS DATA BACKUP**  
Atty. Docket Number: **EMS-07401**

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C.122(b).

March 25, 2004

Date

  
Signature

(617) 248-4038

Telephone number

Donald W. Muirhead

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C.122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

This collection of information is required by 37 CFR 1.213(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.